## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)	
Plaintiff,		) 8:10MJ104 )	
	vs.	) DETENTION ORDER	
HU	IGO MARTINEZ-LUNA,	)	
	Defendant.	<b>,</b>	
A.	Order For Detention After conducting a detention hearing pursua Act on April 28, 2010, the Court orders the al to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform bove-named defendant detained pursuant	
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>		
C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: having previously been convicted of a felony and deported from the United States, being found in the District of Nebraska after having re-entered the United States without the consent of the Attorney General or his successor in violation of 8 U.S.C. § 1326(a) and subject to ten years imprisonment under 8 U.S.C. § 1326(b)(2).  (b) The offense is a crime of violence.  (c) The offense involves a narcotic drug.  (d) The offense involves a large amount of controlled substances, to we will be defendant including:  (a) General Factors:  The defendant appears to have a mental condition which may affect whether the defendant will appear.  X The defendant has no family ties in the area.  X The defendant has no substantial financial resources.  X The defendant has no substantial financial resources.  X The defendant does not have any significant community ties.  X Past conduct of the defendant: 3 prior removals from the United States and one prior conviction for unlawful entry.  The defendant has a history relating to drug abuse.  The defendant has a history relating to drug abuse.  The defendant has a significant prior criminal record.			

DETENTION	ORDER -	- Page	2
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	X	The defendant has a prior record of failure to appear at
		court proceedings.
(b)	At the ti	me of the current arrest, the defendant was on:
` ,		Probation
	' <u></u>	Parole
		Release pending trial, sentence, appeal or completion of
	_	sentence.
(c) Other Factors:		actors:
	<u>X</u>	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
	Χ	The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2010.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge